

Notice of Allowability

Application No.

10/809,177

Applicant(s)

JOFFRAIN ET AL.

Examiner

Nicholas S. Ulrich

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 9/19/2007.
2. ☒ The allowed claim(s) is/are 1-7, 9-13, 15, 16, and 23-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/03/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

Information Disclosure Statement

The IDS filed 3/3/2005 was signed and considered by the examiner with the dated action on 7/25/2007. Deficiencies have been found with references A47, A59, A61, A62, A76. The references fail to provide copyright dates. The examiner contacted the representative, whom could not provide dates for the deficient references. Therefore, the above references are not considered for this case.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Hood on 12/4/2007.

The application has been amended as follows:

Claim 16 : Line 3 "the user dragging" should be changed to read "a user dragging".

Claim 23: Line 14 "a replacement display tool" should be changed to read "a second replacement display tool"

Line 16 "the replacement display tool" should be changed to read "the second replacement display tool"

Claim 25: Line 5 "a processor" should be changed to read "the processor".

Claim 27: Line 9 Please remove extra comma.

Line 11 "the default display tool" should be changed to read "a default display tool"

Line 12 "the default data type" should be changed to read "a default data type"

Claim 28: Line 6 "the second display tool" should be changed to read "a second display tool".

Claim 30 : Line 3 "the user" should be changed to read "a user".

Claim 31: Line 16 "a matching" should be changed to read "the matching"

Line 18 "a matching" should be changed to read "the matching"

Claim 32: Line 3 "a matching" should be changed to read "the matching"

Line 5 "a matching" should be changed to read "the matching"

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The examiner has carefully considered all the claims 1-7, 9-13, 15, 16, and 23-33.

The current invention is directed to a program, method, and system for displaying signal data.

The independent claims recite displaying a default display tool, receiving a request to display a signal, analyzing the signal to determine the data type, determine a display tool to display the signal based on the determined data type of the signal, using the default display tool if the determined data type is compatible or determining a replacement display tool to display the signal.

One of the prior art of record, Lewis et al. (US 5748881), teaches a display program which can select an appropriate display type based upon a display indicator contained in the captured data. Lewis discloses similar structure as recited in the independent claims but fails to provide a teaching of default display tools and replacement display tools. Lewis invention is more directed towards displaying a display tool after data has been selected for viewing.

Another prior art of record, Richards et al. (US 5499373), teaches display tools for displaying signal data. Richard fails to teach an important limitation of the independent claims, determining a display tool based on the data type of the data.

Richard invention is directed towards relying on the user to select a particular display tool for displaying the data.

An updated search of the prior art was conducted by the examiner, which yielded no significant sources for the rejection of the independent claims of the present invention. Thus, the prior art of record neither render nor anticipate the claimed invention. Therefore, all pending claims 1-7, 9-13, 15, 16, and 23-33 are allowed.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich
12/4/2007
2173

/Kieu D. Vu/
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Primary Examiner